

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS**

**Scotland School District**

**Focus Monitoring Report 2007-2008**

**Team Members:** Rita Pettigrew and Chris Sargent, Education Specialists

**Dates of On Site Visit:** October 25, 2007

**Date of Report:** November 29, 2007

**4 month Progress due:** March 29, 2008

**8 month Progress due:** July 29, 2008

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, special education programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act.  
(Reference-ARSD 24:05:20:23.04.)

**Deficiency Correction Procedures**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance.  
(Reference-ARSD 24:05:20:20.)

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**Focus Monitoring:****One year follow up to Scotland School District complaint.**

The complainant alleged the school district had failed to implement the IEP as written. The specific issue included the failure of teachers to implement the IEP addendum of October 20, 2006 which stated the accommodation of classroom work needed to be shortened.

Complaint was closed because a new IEP was written and the new IEP addressed the issues from the complaint.

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE) IN THE LEAST RESTRICTIVE ENVIRONMENT**

**ARSD: 24:05:13:02. Free appropriate public education (FAPE) defined.** For purposes of this article, the term, free appropriate public education, or FAPE, includes special education and related services which meet the following requirements:

- (1) Are provided at public expense, under public supervision and direction, and without charge;
- (2) Meet the standards of the state board in this article and the implementing regulations for Part B of the Individuals with Disabilities Education Act as in effect December 3, 2004, and 34 C.F.R. Part 300, published in the Federal Register on August 14, 2006;
- (3) Include preschool, kindergarten, elementary school, and secondary school education in South Dakota; and
- (4) Are provided in conformity with an individual educational program and this article.

FAPE shall be made available to any eligible individual child with a disability who needs special education and related services even though the child has not failed or been retained in a course or grade and is advancing from grade to grade. FAPE shall also be provided to eligible children with disabilities who have been suspended or expelled from school consistent with chapters 24:05:26 and 24:05:26.01. The determination that a child is eligible under this article must be made on an individual basis by an IEP team.

**ARSD 24:05:27:01.03. Content of individualized education program (IEP).** Each student's individualized education program shall include:

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:

- (a) To advance appropriately toward attaining the annual goals;
- (b) To be involved and progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
- (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP.

#### **Follow-up: October 25, 2007**

##### **Finding:**

Through staff interviews and file documentation, the review team noted a misunderstanding of the process for determining accommodations and modifications. Modifications and accommodations were not determined at the IEP meetings based on the individual program needs of the student resulting from the skill areas affected by the disability. Staff interviews indicated teachers were aware of the student's disabilities and what students needed to be successful in specific classes. The accommodations and modifications that staff was implementing inconsistently included vague terms such as preferential seating, frequent break, directions given in a variety of ways and repeated review/drill.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>Record Date Objective was Completed</b>
<p><b>Activity/Procedure:</b> The district will down load a copy of the South Dakota Accommodations Manual, <a href="http://doe.sd.gov/oess/specialed/forms/pdf/SDAccommodationsManual.pdf">http://doe.sd.gov/oess/specialed/forms/pdf/SDAccommodationsManual.pdf</a> review and present significant information to all educators.</p> <p><b>Data Collection:</b> The district will submit to SEP the form of technical assistance which was provided, the date and the recipients.</p>	<b>As soon as possible</b>	<b>Special Education Director and Special Education Teachers</b>	(completed by SEP)

**4 month Progress Report:**  
**8 month Progress Report:**  
**12 month Progress Report:**

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>Record Date Objective was Completed</b>
<b>Activity/Procedure:</b> Two IEPs from each special educator will be reviewed to ensure accommodations and modifications are documented based on the individuals needs resulting from the skill areas affected by the student's disability. <b>Data Collection:</b> The total number of IEPs reviewed and the number of IEPs with appropriate accommodations and modifications will be submitted to the SEP	<b>May 30, 2007</b>	<b>Special Education Director and Special Education Teachers</b>	(completed by SEP)

**4 month Progress Report:**  
**8 month Progress Report:**  
**12 month Progress Report:**